REMARKS:

Claims 12, 16, 18 and 19 have been cancelled. Claims 11, 13 and 20 have been amended. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 11 and 13-15, 17 and 20-24 are pending in this application.

Claims 11-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. (U.S. 2004/0045342), Megerle (U.S. 2004/0020264) or Yoon (U.S. 2003/0136203) inview of Reid et al. (U.S. 4,580,440). Reconsideration is respectfully requested.

Each of the Application Publication documents cited by the Office Action have a filing date that is later than the filing date of the present application. Each of the Application Publication documents claims priority to one or more provisional applications. The Office Action states that the provisional applications of the publications have been consulted, and contends that the taught subject matter is supported by the provisional application dates. Copies of the provisional applications, however, were not provided with the Office Action. Applicants therefore request that a copy of each of the provisional applications relied upon by these references (Application Serial Nos. 60/330,673; 60/344,848; 60/330,807; and 60/344,635) be provided to the Applicants for verification of the statements made in the Office Action and Applicants reserve the right to challenge the contention that the subject matter is supported by the provisional applications. To expedite prosecution of this application, Applicants response will assume that the subject matter relied upon by the Office Action is supported by the provisional application dates subject to the right to challenge as noted above.

The present invention is directed to a method and system that allows large volumes of mailpieces to be tested for any possible biohazard contaminants in a relatively short time and in a manner similar to existing mail handling. A tray of mailpieces is transported along a transport path into a chamber where it is quickly stopped by hitting a stop member projecting into the transport path. The sudden stoppage compresses the mailpieces in the tray, thereby ejecting air, dust and other particles from the mailpieces into the surrounding environment inside of the chamber. A vacuum system draws the ejected air, dust and other particles into a sampling system

that monitors for the presence of a possible biohazard. If any type of contaminant is found in the ejected air, dust and other particles, the tray is diverted from a normal processing path for further investigation. If no contaminants are detected, the tray is accepted and sent to the normal processing path.

Jones et al. is directed to detecting contaminants in and around objects that includes the steps of loading a perforated container or surface with at least one object, enclosing the perforated container or surface within a housing, and sealing the housing. The method further includes the step of rotating the perforated container or vibrating the perforated surface to release particles that are one an in the objects. An air stream is forced through perforations and sampled for contaminants. (Paragraph 0030.)

Megerle is directed to detecting biohazard particulates in mail that operates by passing each individual mail piece through drive rollers, pinch rollers or belt conveyors to compress each individual mail piece to force some of the air in the interior volume of the mail piece and any material or particulates contained therein from the mail piece. A forced air flow hood or plenum is located adjacent the mail handling system to aspirate some of the air and any air entrained materials or particles from the mail pieces as they are processed through the drive rollers, pinch rollers or belt conveyors. The aspirated air is provided to a biohazard detection device. (Paragraphs 0026, 0027).

Yoon is directed to collecting a concentrated sample from a mail piece or package without fully unsealing the mail piece or package. An envelope is placed in an air tight box and clamped into place. A probe is inserted into a gap or slit cut in the envelope and air is blown in to inflate the envelope. The airtight box may be turned or flipped on its axis to help gravity release some particles. Side clamps then force the envelope to deflate to force the air out of the envelope. The released particles are collected using a vacuum and sent to a detection device. (Paragraphs 0109-0118).

Reid is directed to a method of detecting contraband substances in freight containers in which particulates in the container are analyzed for the presence of contraband. To ensure that a

sufficient quantity of particulates is collected, the container is agitated immediately or at least shortly prior to sampling the air therein. The agitation may be performed by a vibrating device placed against the sides or top of the container to vibrate the container. If the container is traveling on a roller conveyor, the rollers may be staggered or made of different diameters to bump the container immediately prior to its movement into the air sampling location, or the conveyor may contain a small drop so that the container will fall several inches to stir up the dust within the container. (Col. 4, line 54 - Col. 5, line 5).

While each of the references are arguably directed to similar subject matter as the present invention, each of the references performs in a different way than the present invention. None of the references, either alone or in any combination, disclose, teach or suggest a method for testing a tray of mail for a contaminant that comprises "moving the tray of mail along a transport path; projecting a stop member into the transport path; moving the tray into the stop member in the transport path, thereby stopping movement of the tray of mail along the transport path and compressing the mail in the tray, the compression causing matter contained within and on the mail in the tray to become airborne into a surrounding environment of the tray of mail" or "retracting the stop member from the transport path; sending the tray of mail to a normal processing path if it is determined a contaminant is not present; and diverting the tray of mail from the normal processing path if it is determined a contaminant is present" as is recited in claim 11 as amended.

The Office Action contends that the act of agitation is indistinguishable from the present claims. Applicants respectfully disagree, and respectfully submit that the Office Action is failing to consider all of the limitations of the claims when concluding that the act of agitation is indistinguishable from the present claims. To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Claim 11 does not simply recite agitation, but includes the limitations of "projecting a stop member into the transport path; moving the tray into the stop

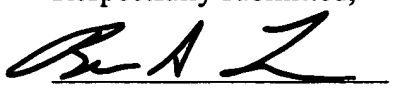
member in the transport path, thereby stopping movement of the tray of mail along the transport path and compressing the mail in the tray, the compression causing matter contained within and on the mail in the tray to become airborne into a surrounding environment of the tray of mail." Claim 11 further includes the limitations of "retracting the stop member from the transport path; sending the tray of mail to a normal processing path if it is determined a contaminant is not present; and diverting the tray of mail from the normal processing path if it is determined a contaminant is present." None of these limitations are disclosed, taught or suggested by any of the references, either alone or in combination. The fact that the present invention was made by the Applicants does not make the present invention obvious; that suggestion or teaching must come from the prior art. See C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1352 (Fed. Cir. 1998). See, e.g., Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051-1052 (Fed. Cir. 1988) (it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching, or motivation in the prior art to do so).

For at least the above reasons, Applicants respectfully submit that claim 11 as amended is allowable over the prior art of record. Claims 13-15 and 17, dependent upon claim 11, are allowable along with claim 11 and on their own merits.

Claim 20 as amended includes limitations substantially similar to those of claim 11. For the same reasons claim 11 is allowable over the prior art of record, Applicants respectfully submit that claim 20 is allowable over the prior art of record. Claims 21-24, dependent upon claim 20, are allowable along with claim 20 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance and favorable action thereon is requested.

Respectfully submitted,



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